

Attorney Docket No.: T4903.CIP(UT-0003)  
Inventors: Rao et al.  
Serial No.: 09/073,881  
Filing Date: May 6, 1998  
Page 6

#### REMARKS

At the outset, Applicants would like to thank Examiner Hayes for the courtesy of a telephone interview on February 17, 2004.

Claims 1, 15, 17 and 18 are pending in the instant application. The rejection of claims 1, 15, 17 and 18 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,589,376 and U.S. Patent 5,824,489 has been maintained.

Accordingly, in an earnest effort to advance the prosecution of this case, claims 1 and 15 have been amended to clarify that the starting material of the instant claimed method is p75 immunonegative NEP cells. Support for this amendment can be found in the specification at page 16, line 11-12, in Example 6 and at pages 50-51, Example 17 wherein it is taught that NEP cells obtained in accordance with the methods of Example 1 and which are set forth in claim 1 as steps (a)(i), (a)(ii) and (a)(iii) are p75 immunonegative. Also see page 59, lines 12-15 wherein it is taught that 100% of the NEP cultures had no p75-immunoreactive cells. Further, the claims have been amended to clarify that the p75 immunonegative cells were identified and obtained via immunohistochemistry as taught at page 50, line 21 through page 51, line 4 and that these p75 immunonegative NEP cells were plated

Attorney Docket No.: T4903.CIP(UT-0003)  
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Serial No.: 09/073,881  
Filing Date: May 6, 1998  
Page 7

under conditions to promote crest cell differentiation to generate p75 immunoreactive cells as taught at page 51 lines 5-12. Also see Examples 18-24 and page 59, lines 12-21 wherein it is made clear that p75 immunoreactivity was used as a marker of differentiation of the NEP cells into neural crest stem cells. No new matter is added by this amendment.

This amendment clearly distinguishes the present invention from the cited prior art teachings of Anderson et al. wherein neural crest stem cells are obtained by scraping the neural tube away from neural crest cells that had migrated onto the substrate. See Example 1 of U.S. Patent 5,589,376 at col. 11, lines 45-49 and U.S. Patent 5,824,489 at col. 14, lines 21-26. There is no teaching whatsoever in Anderson et al. of immunohistochemically obtaining a p75 immunonegative population of NEP cells and differentiating those cells into a p75 immunoreactive population of neural crest stem cells. Nor do the Anderson references provide any reasonable expectation of success that culturing of a p75 immunonegative population of cells would produce a p75 immunoreactive population of neural crest stem cells. Thus, since the cited prior art references do not teach or suggest all the elements of the claims as amended, these references cannot anticipate the claims as amended. Reconsideration and withdrawal

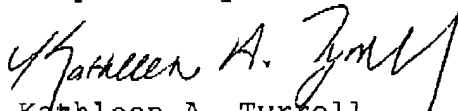
Attorney Docket No.: T4903.CIP(UT-0003)  
Inventors: Rao et al.  
Serial No.: 09/073,881  
Filing Date: May 6, 1998  
Page 8

of this rejection is therefore respectfully requested.

#### Conclusion

Applicants believe that the foregoing comprises a full and complete response to all outstanding issues in the Office Actions and Advisory Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

  
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